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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,651	04/04/2006	Hidekazu Michioka	062329	7627

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
JOHNSON, PHILLIP A	

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
06/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,651	MICHIOKA ET AL.	
	Examiner	Art Unit	
	PHILLIP JOHNSON	3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 April 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/4/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

Figures 1 – 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 – 5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Agari (USP 5,360,271).** Agari (see Fig. 1 and 2) discloses all of the limitations of a similar device:

- A track rail (1) having rolling element rolling surfaces extending in a longitudinal direction thereof.

- A moving block (2) relatively movably attached to said track rail, said moving block having an approximately U-shaped sectional configuration in a plane perpendicular to the longitudinal direction of said track rail.
- Said moving block having skirt portions (*vertically extending portions bracketing track rail element 1*) formed at both sides of an opening thereof and being mounted astride said track rail.
- Said moving block having:
  - a moving block body having load rolling element rolling surfaces (8) that form load rolling element rolling passages in cooperation with said rolling element rolling surfaces.
  - said moving block body further having rolling element relief bores (36 in Fig. 5) associated with said load rolling element rolling surfaces.
  - end plates (5) mounted astride said track rail and secured to both ends of said moving block body in a direction of relative movement of said moving block.
  - said end plates each having rolling element direction change passages that form rolling element recirculation passages in cooperation with said load rolling element rolling passages and rolling element relief bores (col. 1, lines 54 – 55).
- A plurality of rolling elements (6).
- Foreign matter entry preventing plates (13) provided so that their respective distal ends longitudinally contact opposite side surfaces of said track rail to

close gaps between the side surfaces of said track rail and at least inner side surfaces of the skirt portions on both sides of said moving block body and inner side surfaces of said end plates (col. 3, lines 65 – 68 to col. 4, line 1: *"that an under seal for sealing the side walls of the track rail (simply referred to as a rail) and the undersides of the casing and the end caps is fitted to end seals mounted to the end surfaces of the end caps…"*).

- (claim 2) Said moving block has a plurality of attachment devices, including lubricators (18 in Fig. 5), mounted astride said track rail and secured to outer ends of said end plates in said direction of relative movement, wherein said foreign matter entry preventing plates also close gaps between the side surfaces of said track rail and inner side surfaces of said attachment devices (col. 3, lines 65 – 68 to col. 4, line 1)
- (claim 3) Said foreign matter entry preventing plates are secured to respective end surfaces of the skirt portions on both sides of said moving block body.
- (claim 4) The outermost ones of said plurality of attachment devices are metal scrapers (19) formed from metal plates, wherein longitudinal end surfaces of said foreign matter entry preventing plates are secured to said metal scrapers (see Fig. 2 and 3).
- (claim 5) Said foreign matter entry preventing plates each comprise:
    - a plate-shaped foreign matter entry preventing plate casing (27) made of a material of high rigidity.

- a plate-shaped foreign matter entry preventing plate body made of a flexible material (28).
- said foreign matter entry preventing plate body being fitted to one side end portion of said foreign matter entry preventing plate casing, wherein one side end surface of said foreign matter entry preventing plate body is brought into contact with one side surface of said track rail.

- (claim 7) Said foreign matter entry preventing plates have respective side end surfaces perpendicularly contacting the opposite side surfaces of said track rail.
- (claim 8) Said foreign matter entry preventing plates have self-lubricating capability (col. 4, lines 3 – 4: *"the resilient, plastic underside member of the under seal is swelled by lubricating oil…"*).

3. **Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Osawa et al. (USP 5,553,944).** Osawa et al. discloses (Fig. 1) all of the limitations of a similar device comprising:

- A track rail (1) having rolling element rolling surfaces extending in a longitudinal direction thereof.
- A moving block (2) relatively movably attached to said track rail, said moving block having an approximately U-shaped sectional configuration in a plane perpendicular to the longitudinal direction of said track rail.

- Said moving block having skirt portions (*vertically extending portions bracketing track rail element 1*) to formed at both sides of an opening thereof and being mounted astride said track rail.
- Said moving block having:
  - a moving block body having load rolling element rolling surfaces (30) that form load rolling element rolling passages in cooperation with said rolling element rolling surfaces.
  - said moving block body further having rolling element relief bores (12 in Fig. 4) associated with said load rolling element rolling surfaces; and
  - end plates (5) mounted astride said track rail and secured to both ends of said moving block body in a direction of relative movement of said moving block,
  - said end plates each having rolling element direction change passages (15 in Fig. 2) that form rolling element recirculation passages in cooperation with said load rolling element rolling passages and rolling element relief bores (12)
- A plurality of rolling elements (B).
- Foreign matter entry preventing plates (13) provided so that their respective distal ends longitudinally contact opposite side surfaces of said track rail to close gaps between the side surfaces of said track rail and at least inner side surfaces of the skirt portions on both sides of said moving block body and inner side surfaces of said end plates.

- (claim 6) Said foreign matter entry preventing plates (see Fig. 6) each comprise:
  - a plate-shaped foreign matter entry preventing plate casing (41) made of a material of high rigidity.
  - a plate-shaped foreign matter entry preventing plate body (43) made of a flexible material.
  - a foreign matter entry preventing plate retainer (plate portion of endplate element 5 denoted as 21) made of a material of high rigidity
  - said foreign matter entry preventing plate casing is secured to an end surface of one of the skirt portions on both sides of said moving block body in a state where one side end surface of said foreign matter entry preventing plate body is brought into contact with one side surface of said track rail and where said foreign matter entry preventing plate body is held between

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILLIP JOHNSON whose telephone number is (571)270-5216. The examiner can normally be reached on MON - FRI, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phillip Johnson/
Examiner, Art Unit 3656

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656